



An
Bord
Pleanála

**Board Direction
PL10 248661**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 23rd October, 2017.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

- 1.0 Having regard to the nature of the proposed development, its location within the town centre area, the historical use of the site, the nature and pattern of uses in the vicinity, the provisions of the current Castlecomer Local Area Plan, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of property in the vicinity or the residential amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The grant of permission is for a retention of permission and to carry out works submitted accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 20th of April 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details

to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interests of clarity

- 2 Amplified sound shall not be carried out or take place in the courtyard area after 11.00pm on any night.

Reason: In the interest of the protection of the amenities of the area and safeguarding residential amenities.

- 3 Within 3 months of the date of this order the applicant shall submit to and agree with the planning authority a comprehensive management and mitigation plan in relation to noise and odour emissions arising from the site. Details relating to ongoing monitoring and review of the agreed mitigation measures shall form part of this plan.

Reason: In the interest of the protection of the amenities of the area and safeguarding residential amenities.

- 4 The elevational changes to the front façade shall be limited solely to the replacement of the gates with double doors. Details relating to the finishes of these doors shall be submitted to and agreed with the planning authority prior to the commencement of any works.

Reason: In the interest of visual amenity.

- 5 The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the

planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

**Board
Member**

Date:25.10.2017

Terry Prendergast

Note: Section 34(13) applies.